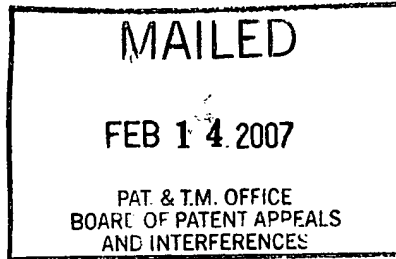




UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Judge Sally Gardner Lane
Telephone: 571-272-4683
Facsimile: 571-273-0042



Applicants: PATTEN
Application No.: 10/646,221
Filed: 08/22/03
For: Methods and compositions for polypeptide
engineering

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,532.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/Sally Gardner Lane/
SALLY GARDNER LANE
Administrative Patent Judge

INTERFERENCE DIGEST

Interference No. 105,532

Paper No.

Name: Phillip A. Patten et al.

Serial No.: 10/646,221

Patent No.

Title: Methods and compositions for polypeptide engineering

Filed: 08/22/03

Interference with Short

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, _____ Dated, _____

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.

Mail Stop Interference
P.O. Box 1450
Alexandria Va 22313-1450
Tel: 571-272-4683
Fax: 571-273-0042

Paper 1

Filed 14 February 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JAY M. SHORT

Junior Party
(Patent 6,605,449),

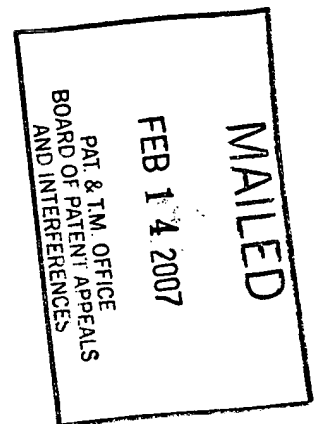
v.

PHILLIP A. PATTEN,
And **WILLEM P.C. STEMMER,**

Senior Party
(Application 10/646,221).

Patent Interference No. 105,532 (SGL)
(Technology Center 1600)

DECLARATION - Bd.R. 203(b)¹



¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 **Part A. Declaration of interference**

2 An interference is declared (35 U.S.C. §135(a)) between the above-identified
3 parties. Details of the application(s), patent (if any), reissue application (if any), count(s)
4 and claims designated as corresponding or as not corresponding to the count(s) appear
5 in Parts E and F of this DECLARATION.

6 **Part B. Judge managing the interference**

7 Administrative Patent Judge Sally Gardner Lane has been designated to manage
8 the interference. Bd.R. 104(a).

9 **Part C. Standing order**

10 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
11 DECLARATION. The STANDING ORDER applies to this interference.

12 **Part D. Initial conference call**

13 A telephone conference call to discuss the interference is set for **2:00 p.m. on 19**
14 **April 2007** (the Board will initiate the call).

15 No later than **four business days** prior to the conference call, each party shall
16 file and serve (SO §§ 10.1 & 105) a list of the motions (Bd.R. 120; Bd.R. 204;
17 SO §§ 104.2.1, 120 & 204) the party intends to file.

18 A sample schedule for taking action during the motion phase appears as Form 2
19 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to
20 the conference call and to agree on dates for taking action. A typical motion period
21 lasts approximately eight (8) months. Counsel should be prepared to justify any request
22 for a shorter or longer period.

Part E. Identification and order of the parties

Junior Party

Named inventors: Jay M. Short
Rancho Santa Fe, CA

Involved Patent: 6,605,449, issued on 12 April 2003
from application 09/594,459, filed 14 June 2000

Title: SYNTHETIC LIGATION REASSEMBLY IN
DIRECTED EVOLUTION

Assignee: Diversa Corporation

Senior Party

Named Inventors: Phillip A. Patten
Menlo Park, CA

Willem P.C. Stemmer
Los Gatos, CA

Involved Application: 10/646,221, filed 22 August 2003

Title: METHODS AND COMPOSITIONS FOR
POLYPEPTIDE ENGINEERING

Assignee: None of record

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd.R. 154(c)(1); SO & 154.2.1. The senior party is responsible for initiating settlement discussions. SO & 126.1.

Part F. Count and claims of the parties

Count 1

Claim 1 of Short (6,605,449)

or

Claim 275 of Patten (10/646,221)

The claims of the parties are:

Short: 1-12

Patten: 275

The claims of the parties which correspond to Count 1 are:

Short: 1-12

Patten: 275

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

Short: None

Patten: None

The parties are accorded the following benefit for Count 1:

Short:

US 09/332,835, filed 14 June 1999

Issued as 6,537,776 on 25 March 2003

1 Patten:

2 US 09/559,671, filed 27 April 2000

3 Issued as 6,613,514 on 2 September 2003

4 US 08/769,062, filed 18 December 1996

5 Issued as 6,335,160 on 01 January 2002

6
7 **Part G. Heading to be used on papers**

8 The following heading must be used on all papers filed in this interference, see
9 SO & 106.1.1:

10 UNITED STATES PATENT AND TRADEMARK OFFICE

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14 BEFORE THE BOARD OF PATENT APPEALS
15 AND INTERFERENCES

16
17
18 JAY M. **SHORT**

19 Junior Party
20 (Patent 6,605,449),

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22
23 v.

24
25 PHILLIP A. **PATTEN**,
26 and WILLEM P.C. **STEMMER**,

27
28 Senior Party
29 (Application 10/646,221).

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33 Patent Interference No. 105,532 (SGL)
34 (Technology Center 1600)
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/Sally Gardner Lane/
Administrative Patent Judge

Revised 3 January 2006

Attorney for **SHORT:**

Attorney for **PATTEN**:

-6-